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IN THE SUPREME COURT
STATE OF ARIZONA

Sua Sponte Petition to Amend)	
Rule 8(b), Rules of Procedure)	Arizona Supreme Court
for Special Actions)	No. _____
_____)	

Pursuant to Rule 28(B), Rules of the Supreme Court, an amendment to Rule 8(b), Rules of Procedure for Special Actions, is proposed as set forth in Attachment A hereto.

Rule 8(b), Rules of Procedure for Special Actions, currently provides for review by the supreme court of a grant or denial of special action relief by the court of appeals “only upon petition for review” It also provides that if a party seeks review by filing a new petition for special action, the party shall include details of the “exceptional circumstances” that make review by way of a petition for review inadequate. The proposed amendments remove the “exceptional circumstance” exception to review by petition for review and adds new language advising parties that if expedited processing of petition for review is

needed, the party may request an order expediting the petition for review or may file a motion for stay. Current Rule 8(d), dealing with motions for stay, is deleted.

DATED this _____ day of January, 2010.

By:

Ellen M. Crowley,
Chief Staff Attorney
Arizona Supreme Court

Attachment A

Rules of Procedure for Special Actions

* * *

Rule 8. Appeals

(a) [No change in text.]

(b) Grant or denial of special action relief by the Court of Appeals, including a refusal to take jurisdiction in the case, shall be reviewed by the Supreme Court only upon petition for review, pursuant to Rules 22 and 23, Rules of Civil Appellate Procedure. If exceptional circumstances exist, a party may file a motion for expedited processing of the petition for review and, if necessary, a stay of the proceedings. ~~, unless exceptional circumstances exist that make such procedure inadequate. If a party seeks review of a determination by the Court of Appeals in a special action by filing in the Supreme Court a new petition for special action, the party shall state that a prior petition has been made to the Court of Appeals, attach a copy of the order or decision of the Court of Appeals determining the matter, and shall set forth in detail the exceptional circumstances which make review pursuant to Rules 22 and 23, Rules of Civil Appellate Procedure, inadequate. If such exceptional circumstances are absent, the special action petition may be summarily dismissed.~~

(c) Any petition for review filed in accordance with rule 8(b) should be captioned as follows: “Petition for Review of a Special Action Decision of the Court of Appeals.”:

~~(d) A party who files a petition for review in accordance with rule 8(b) may file directly in the Supreme Court an original and six copies of a separate motion for stay of proceedings supported by at least two copies of the petition for review bearing the file stamp of the Court of Appeals along with two copies of any appendices filed in the Court of Appeals.~~

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